

[^{F1}SCHEDULE 2

F1 1991 NI 24

[^{F1}PART]1

WIDOWERS' PENSIONS: TRANSITIONAL PROVISIONS

F1 SI 2005/3325

SERVICE PARTLY BEFORE AND PARTLY AFTER THE COMMENCEMENT DATE

- 4 (1) No widower's pension shall be payable in respect of a member who—
- (a) holds judicial office on or before the commencement date; and
 - (b) continues to do so after that date,
- unless, before the end of the period of six months beginning with that date, she opts for her husband to be entitled to a widower's pension on her death.
- (2) A member exercising such an option shall specify whether the annual value of the widower's pension is to be calculated—
- (a) under sub#paragraph (3); or
 - (b) on the assumption that all her relevant service fell after the commencement date.
- (3) Where the annual value of a widower's pension falls to be calculated under this sub#paragraph its value shall be determined by applying the formula—
- $$WP1 = WP2 \times RS1 / RS2$$
- where—
- WP1 is the annual value of the widower's pension,
 - WP2 is the annual value of the widower's pension that would be payable on the assumption mentioned in sub#paragraph (2)(b),
 - RS1 is the length of the member's relevant service after the commencement date, and
 - RS2 is the whole of her relevant service.
- (4) No period of service during which an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 is in force in respect of the member concerned shall be taken into account for the purposes of any calculation under sub#paragraph (3).
- (5) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service before the commencement date as does not add to the amount of the personal pension and accordingly this paragraph shall not apply if none of the relevant service before that date adds to the amount of the personal pension.]

Changes to legislation:

There are currently no known outstanding effects for the Resident Magistrates' Pensions Act (Northern Ireland) 1960, Paragraph 4.